

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application by the return of the initialed and signed PTO-1449 forms and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action.

Upon entry of the present paper, claims 1-6 will remain pending. Applicant also gratefully acknowledges the Examiner's indication of the allowability of claims 2, 4 and 5.

Turning to the merits of the action, the Examiner has rejected claims 1, 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,602,106 to SUGIMOTO, finding that this reference teaches all limitations of these claims except for the claimed light guide member, but has determined that it would have been obvious to provide an alternative design equivalent to SUGIMOTO.

Applicant respectfully traverses the Examiner's rejection, and notes that SUGIMOTO is not prior art to the present application. Initially, Applicant notes that the Japanese priority Patent Application No. 2003-38347, filed February 7, 2003, has a Japanese filing date that is before the August 5, 2003 issue date of SUGIMOTO. In this regard, and in order to expedite the allowance of the present application, Applicant submits herewith a verified translation of the priority Japanese Patent Application, thereby perfecting priority of the present application under 35 U.S.C. § 119 and removing SUGIMOTO as a reference under 35 U.S.C. § 102(a).

In view of the foregoing, SUGIMOTO could thus only possibly qualify as prior art under 35 U.S.C. § 102(e). In this regard, Applicant notes that the subject matter disclosed in SUGIMOTO and the claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person, *i.e.*, PENTAX Corporation. Thus, in accordance with 35 U.S.C. § 103(c), SUGIMOTO does not qualify as prior art under 35 U.S.C. § 103(a). It is therefore respectfully requested that the Examiner withdraw this rejection.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability at least under 35 U.S.C. §103, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.


SUMMARY AND CONCLUSION

Applicant thus respectfully submits that each and every pending claim in the present application is in condition for allowance, and respectfully requests withdrawal of the outstanding objection and rejection, and allowance of all pending claims in the present application.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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**Attachment: Verified Translation of Japanese priority Patent Application No.
2003-38347**

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